

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES

2 SKYLINE, 10th FLOOR

5203 LFESBURG PIKE

FALLS CHURCH, VIRGINIA 22041

AUG 12 1986

MARTHA PERANDO,
Complainant

V.

METTIKI COAL CORPORATION,
Respondent

DISCRIMINATION PROCEEDING

Docket No. YORK 85-12-D

MSHA Case No. MORG CD 85-17

DECISION

Appearances: Martha Perando, Deer Park, Maryland, pro se;
Timothy Biddle, Esq., and Lisa B. Rovin, Esq.,
with Susan E. Chetlin, Esq., on the brief,
Crowell S Moring, Washington, DC, on behalf of
Respondent.

Before: Judge Melick

This case is before me upon the complaint by Martha Perando under section 105(c)(3) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq., the "Act," alleging discrimination and discharge by the Mettiki Coal Corporation (Mettiki) in violation of section 105(c)(1) of the Act.^{1/}

V Section 105(c)(1) of the Act provides as follows:

No person shall discharge or in any manner discriminate against or cause to be discharged or cause discrimination against or otherwise interfere with the exercise of the statutory rights of any miner, representative of miners or applicant for employment in any coal or other mine subject to this Act because such miner, representative of miners or applicant for employment, has filed or made a complaint under or related to this Act, including a complaint **notifying** the operator or the **operator's agent**, or the representative of the miners at the coal or other mine of an alleged danger or safety or health violation in a coal or other mine or because such miner, representative of miners or applicant for employment is the subject of medical evaluations and potential transfer under a standard published pursuant to section 101 or because such representative of miners or applicant for employment has instituted or caused to be instituted any proceedings under or related to this Act or has testified or is about to testify in any such proceeding, or because of the exercise by such miner, representative of miners or applicant for employment on behalf of himself or others of any statutory right afforded by this Act.